

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1763 of 2018

- Siddharth Gavai S/o Dharma Gavai Aged About 25 Years R/o Shivshankar Nagar, Sunderkhed, Buldhana, District Buldhana Maharastra, District : Buldana, Maharashtra

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Singhoda, District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Respondent

For Applicant	:	Mr. L.C. Dash, Advocate.
For Respondent	:	Mrs. M. Asha, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

20/06/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.11/2018 registered at Police Station- Singhoda, District – Mahasamund(C.G.) for the offence punishable under Sections 20(B) of Narcotic Drug Psychotropic Substances Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. In fact the applicant had hired the vehicle bearing registration No.MH-14-FC-5047 and had been on travel to Odisha. While returning, the two co-accused persons namely-Pratap Pahar and Chhayakant Ghoi asked for lift in his vehicle and were traveling in the same with their luggage. The contraband that has been seized belongs to the co-accused persons, hence, no case is

made out against this applicant. Hence, it is prayed that he may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the possession has been jointly made from this applicant and two co-accused persons, hence, he is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, on the date of incident the car bearing registration No. MH-14-FC-5047 driven by this applicant, was stopped and searched by PS-Singhoda, District-Mahasamund. In total 30 kg cannabis was found in the dickey of the said car. Hence, this case.
6. The explanation given by this applicant, that the contraband belongs to the other two co-accused persons, who had taken lift in this vehicle, appears to be a good defence for the reason that both the co-accused persons are resident of District-Kandhamal, Odisha whereas this applicant is resident of District-Buldhana, Maharashtra.
7. As presently the case is before the trial Court and trial is likely to take some time for its conclusion, for this reason, I feel inclined to grant regular bail to this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

